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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

(Separate paging is given to this Part in order that it may be filed as a separate compilation)

भाग III—खण्ड 3

[PART III—SECTION 3]

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

[Notifications relating to Minor Administrations]

ADMINISTRATION OF
DADRA AND NAGAR HAVELI,

Silvassa, the 21st June 1981

ORDER

Order No. ADM/SUP/Cement/595.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Notification of the Government of India in the Ministry of Food and Agriculture (Distr. of Food) Published under GSR 1182 dated 17th August, 1965, in the Gazette of India Part II, subsection I of section 3 dated 17th August, 1965, the Administrator of Dadra and Nagar Haveli is pleased to make the following order namely :—

1. Short title, extent and commencement :—

- (1) This order may be called the Dadra and Nagar Haveli Cement Distribution (Licensing and Regulation) Order, 1981.
- (2) It extends to the whole of the Union Territory of Dadra and Nagar Haveli (Hereinafter referred to as territory).
- (3) It shall come into force at once.

2. Definitions :—

In this order, unless the context, otherwise requires :—

- (a) 'Agency' means the corporation owned or controlled or notified by the Administration of Union Territory of Dadra and Nagar Haveli in this behalf.
- (b) 'Cement' means any variety of cement manufactured in India, and included portland cement, Pozzolana cement, blast furnace slag cement, water-proof (hydrophobic) cement, masonry cement and high strength ordinary portland cement but does not include oil well cement, and white and coloured cement (other than grey portland cement).

(c) 'Administrator' means Administrator, Dadra nad Nagar Haveli.

(d) 'Collector' means the Collector of Dadra and Nagar Haveli.

(e) 'Competent Engineer' means a person duly qualified to be appointed as a Deputy Engineer having a degree/ Diploma.

(f) 'Dealer' means a person who deals with the purchase and Sale of Cement.

(g) 'Secretary to the Administrator' means the Secretary to the Administrator, Dadra and Nagar Haveli.

(h) 'Government' means the Administration of the Union Territory of Dadra and Nagar Haveli.

(i) 'Form' means a form appended to this Order.

(j) 'Licence' means a Licence issued under the provisions of this Order.

(k) 'Licensee' means a person holding a licence.

(l) 'Licensing Authority' means the Secretary to the Administrator, Dadra and Nagar Haveli, or any other officer not below the rank of Mamlatdar, duly appointed by the Administrator, to exercise the powers and to perform the duties of Licensing authority under this Order.

(m) 'Stockist' means a person who carried on business in cement involving purchase, storage, and sale of cement but does not include a manufacturer.

3. Issue of Licences :—

- (1) No person shall, on or after the commencement of this order sell cement as a dealer or carry on business as a stockist except under and in accordance with the terms and conditions of a licence issued in this behalf, by the licensing authority.

(2) (a) (i) All dealers and stockists shall be appointed by the Collector.

(ii) Licence shall be issued to all dealers and stockists, so appointed as shown in Form I.

Provided that any licence issued by the licensing authority in pursuance of an order in force immediately before the commencement of this order shall be deemed to have been issued under relevant provision of this order and shall continue in force until and unless it is superseded by any action taken under any order made in pursuance of this order.

(b) Every licence shall be valid from the date of issue upto the 31st day of December of that year and may thereafter be renewed for a further period not exceeding one year at a time.

Provided that where an application for renewal of a licence has been made under sub-clause (4) the licence shall continue to be valid as if renewed from the date of its expiry until its renewal is refused.

(c) The fees as specified below shall be chargeable in respect of each licence namely :—

- (1) For issue of a licence.....Rs. 25/-
- (2) For renewal of licence.....Rs. 10/-
- (3) For change of place of Business/or godown.....Rs. 50/-

The fees paid under this sub-clause shall not be refunded.

(d) Every application for a licence, renewal or re-issue of a licence shall be made to the licensing authority in form II.

(e) The agency appointed by the Collector shall collect security deposit as may be fixed by the Government from time to time, in this behalf for due performance of the contractual obligations that may be laid down by the agency to its dealers and stockists.

3. (a) A separate licence shall be necessary for each place of business.

(b) Every dealer and every person applying for licence under this order shall, before such licence is issued to him, deposit with licensing authority a sum of Rs. 500/—(Rupees Five hundred only) towards cash security, which may be in the form of national Defence Certificates, National savings certificates pledged or cash deposited in a Government Treasury in the district concerned or a bank guarantee in favour of the licensing authority for the performance of the terms and conditions, subject to which the license is granted to him.

Provided that the aforesaid provision shall not apply to a Co-operative Society dealing in cement.

(c) (i) Without prejudice to the provisions of clause 5 if the licensing authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of security deposit is called for, it may after giving the licensee an opportunity of stating his case against the forfeiture by order, forfeit the whole or any part of the security deposit made by him and communicate a copy of the order to the licensee.

(ii) The licensee shall, if the amount of the security deposit at any time fails short of the amount specified in sub-clause (3) (b), forthwith deposit further security to make up that amount on being required by the licensing authority to do so.

(iii) Upon due compliance by the licensee of all the requirements of the licence, the amount of security deposit or such part thereof which is not forfeited as aforesaid, shall be refunded to the licensee after termination of the licence.

(d) The existing licensee shall, within sixty days from the date of publication of this order deposit the amount as specified in sub-clause (3) (b) failing which the licensing authority shall be at liberty to cancel the existing licence without further notice.

(4) An application for renewal of a licence shall be made so as to reach the licensing authority on or before the date of the expiry of the period of the licence.

Provided that the licensing authority may condone the delay in submitting the application for renewal of licence after levying a penalty of Rs.10/—(Ruppes Ten only) after the expiry of the period of the licence.

(5) The licence fees specified under clause 3(2) (c) the security deposit forfeited under clause 3(3) (c) (i) and the penalty levied under the proviso to sub-clause (4) of clause 3 shall be remitted into Government Treasury under the following head of account namely :—

"065" Other Administration, (1) Licence Fees.

4. Power to refuse to grant or renew licence :—

The licensing authority may, after giving the applicant an opportunity of stating his case and for reasons to be recorded in writing refuse to grant or renew any licence.

5. Cancellation of Licence :—

(1) The licensing authority may after giving the licensee an opportunity of being heard, cancel or suspend the licence without prejudice to any other action that may be taken against him, if he or any other person acting on his behalf contravene any of the provisions of this order or any condition of the licence or of any of the provisions of the Cement Control Order 1977 issued by Government of India or under the Bombay Weights and Measures (Enforcement) Act, 1958 as extended to Dadra and Nagar Haveli together with the rules made thereunder in force in the Union Territory of Dadra and Nagar Haveli.

(2) An appeal shall lie to the Collector against the order passed by the licensing authority under clause 4 of this clause, within thirty days from the date of communication of the said order and the Collector may after giving the applicant an opportunity of being heard confirm, reverse or modify such order.

6. Compliance with directions :—The licensee shall comply with any general, or special directions that may be given to him from time to time by the licensing authority or Agency, regarding the purchase storage and sale of cement.

7. Restrictions of storage on Cement :—No dealer shall, after the commencement of this order store or have in his possession at any time, cement in excess of five tonnes, except under and in accordance with the provisions of this order and he shall not refuse to sell cement while having stock for sale.

Provided that where a person has in his possession at the commencement of this order, and quantity of cement in excess of five tonnes, he shall declare such stock to the permit issuing authority within seven days from the commencement of this order.

8. Application for purchase of Cement :—Any person or institution desiring to purchase cement for use shall make an application to the permit issuing authority giving details of work together with certificate in form-III from any competent Deputy Engineer.

(i) Provided that no certificate from the approved Deputy Engineer would be required, where the demand does not exceed 10 bags of cement for repairs or construction purpose and the certificate of the Patel Talati should be accompanied with the application.

(ii) Provided further that in case of requirement of cement for Agriculture purpose upto 50 bags, the application should be together with the certificate of Deputy Engineer.

9. Permit Issuing Authority :—The Collector or Secretary to the Administrator or Purchase and Supply Officer as may be authorised by the Collector in this behalf shall be the permit issuing authority.

10. Sale of Cement to consumers :—(1) No licensee shall sell cement to any person, institution or any other consumer, except in accordance with the terms and conditions of a permit issued by the permit issuing authority in form IV.

(2) No licensee shall sell cement to any person, Institution or any other consumer except at the rates fixed by the Government from time to time.

11. Disposal of Cement :—Except with the prior permission of the permit issuing authority no person shall dispose of the cement covered by a permit in any manner other than that specified in the permit.

12. Display of stocks :—Every licensee shall display at a conspicuous part of the premises, where he carries on business in cement, the details of the stock of cement with him and the price therefore.

13. Power of inspection entry search etc. :—(1) The secretary or any other officer authorised by him or any officer of the police Department not below the rank of a Sub-Inspector or any officer of the Revenue or Civil Supplies Department not below the rank of Supply Inspector and Ayal Karkun.

(i) enter inspect and search any place or premises, vehicle or vessel or other conveyances in which he has reason to believe that any contravention of the provisions of this order has been, is being or is about to be committed.

(ii) require the owner, occupier or any other person incharge of such place or premises, vehicle or vessel or other conveyances to produce any books, accounts or other documents relating to trade in cement.

(iii) take or cause to be taken extract from or copies of any documents relating to trade in cement which are produced before him or otherwise found and,

(iv) search, seize and remove stocks of cement held in contravention of the provisions of this order or the conditions of the licence issued and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of cement and the vehicle or vessel or other conveyance so seized, in a court and for their safe custody pending such production.

(v) The provision of section 100 of the code of criminal procedure 1973 relating to search and seizure shall, so far as may apply to searches and seizures under this order.

14. Maintenance of Registers :—(1) Every licensee shall maintain :—

(a) register giving an account of all receipt and sales of cement and also keep a counter foil or duplicate of the receipt or invoice in the form of book.

(b) a register in Form V of daily account of his stock of cement showing :—

(i) the opening stock of every day.

(ii) the quantity received on each day showing the place from where and the source from which received.

(iii) the quantity delivered or otherwise removed on each day and :

(iv) the closing stock on each day.

(2) Every licensee shall complete his accounts for each day on the closing of the same day unless he is prevented by reasonable cause from doing so and the burden of providing the same shall be upon him.

(3) Every licensee shall keep in his business premises all the records and books relating to the purchase, sale or storage for sale of cement so as to make them readily available to the inspection officers.

15. Submission of returns :—Every licensee shall submit to the licensing authority a return in Form VI for every fortnight ending with the fifteenth day and the last day of each month showing all receipts and sales of cement effected during the aforesaid period.

16. Period of validity of permits :—A permit issued to consumers shall be valid for a period of fifteen days from the date of issue or from the date of receipt of stocks by the stockists/dealers as the case may be.

17. Exemption :—Subject to such conditions as it may impose, the Administrator, may, if it is necessary so to do in the public interest, by general or special order, exempt any person or class of persons in any area or throughout the territory from the operation of all or any of the provisions of this order and may at any time suspend or cancel such exemption.

18. Appeal :—(1) Any person aggrieved by an order of the licensing authority or any other officer authorised under the provisions of this order may appeal to the Collector within thirty days from the date of receipt by him of such order.

Provided that the Collector may admit an appeal after the expiry of the said period of thirty days if the applicant satisfies him that he had sufficient cause for not preferring the appeal within the stipulated period.

(2) No order shall be passed under this clause, which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.

(3) Pending the disposal of the appeal, the appropriate authority may direct that the order against him or her made shall not take effect until the appeal is disposed of.

19. Revisions :—The Administrator may call for and examine the record of any proceedings of the licensing authority of the Collector for the purpose of satisfying himself as to the legality or propriety of any order passed in such proceedings and if it shall appear to the Administrator, that such order or proceedings should be modified, annulled or reversed, he may pass order thereon as deemed fit.

Provided that no order shall be made under this clause unless the person who is likely to be affected thereby has been given a reasonable opportunity of stating his case.

20. Cement Control Order, 1967 etc. :—The provisions of this order shall be in addition to and not in derogation of the provisions of the Cement Control order, 1967, and the Imported Cement Control Order, 1978, made by the Government of India as amended from time to time.

By order of the Administrator,
N. KRISHNASWAMY,
Secretary to the Administrator,
Dadra and Nagar Haveli,
Silvassa

ANNEXURE

FORM-I

[See Clause 3 (2) (a)]

LICENCE GRANTED UNDER THE DADRA AND NAGAR HAVELI CEMENT DISTRIBUTION (LICENSING AND REGULATION) ORDER 1981.

(i) Name of the Licensee :—

(ii) Place of business :—

(iii) Place of storage :—

(1) This licence is issued subject to the provisions of the Dadra and Nagar Haveli Cement Distribution (Licensing and Regulation) Order 1981.

(2) This licence is valid upto.....

Issued by

Signature.

Designation and Office Seal
(licensing authority)

FORM-II

[See Clause 3 (2) (d)]

APPLICATION FOR A DEALER'S LICENCE

UNDER THE DADRA AND NAGAR HAVELI CEMENT DISTRIBUTION (LICENSING AND REGULATION) ORDER 1981.

1. Name of applicant :—
(in Block letters)

2. Father's Name :—

3. Full address of Applicant :—

4. Description of the premises, where the business is to be carried on, and for which the applicant desires to be Licensed :—

(a) Place of Business :—

(b) Place of storage :—

(i)

(ii)

(iii)

5. How long has the applicant been trading in cement :—

6. Quantities of cement handled annually during the past three years.

I/We have carefully read that terms and conditions of the licence as provided in the Dadra and Nagar Haveli Cement Distribution (Licensing and Regulation) order 1981 and I/We agree to abide by them.

I/We certify that the above statements are correct.

Place :—
Date :—

Signature of applicant.

FORM-III
(See Clause 8)
CERTIFICATE

From :—

(Name and full address of the competent Engineer/
Supervisor).

To :

(The Permit issuing authority)

Shri.....(Name and address).....
in approaching you for the issue of permit to purchase cement
for the construction of.....
I have satisfied myself that his application is bonafide and he
requires a minimum of.....quantity of.....
.....cement to execute the work.

I recommended that he may be given a permit for.....
.....of cement.

Signature.....

Name and address of the
competent Engineer/Supervisor
with date and seal.

FORM-JV

(See Clause 10)

PERMIT FOR SALE OF CEMENT.

Permit No.....valid from.....19 to.....19

To

(Name and Address of the stockist)

You are hereby directed to sell cement as per the particulars given below to.....(Name and address of the consumer).....subject to the terms and conditions mentioned overleaf.

Quantity of cement.....
Purpose.....

Station:.....
Date:.....
Signature and Designation of permit
issuing authority.

TERMS AND CONDITIONS.

- (1) The original copy of the permit is valid for supply and the stockist shall keep the same in his custody and the duplicate copy shall be handed over to the consumer after the cement is sold and removed from the depot.
- (2) This permit shall be valid for removal of cement within the period of its validity only.
- (3) In case the permit is lost, the permit issuing authority and the stockist concerned shall be immediately informed about the loss of the permit.
- (4) The consumer is authorised to use the cement only for the purpose specified in the application and certificate.
- (5) This permit shall be returned to the permit issuing authority in case the cement covered by it is not supplied.
- (6) **THIS PERMIT IS NOT TRANSFERRABLE.**

FORM -V

REGISTER SHOWING DAILY ACCOUNTS OF THE STOCK OF CEMENT.

[See Clause 14(1)(b)]

Date

Opening stock at the commencement of the day.	Quantity received during the date.	Place from where received.	Source from which received.	Mode of transport, by road or by rail or otherwise.	Total quantity delivered or otherwise removed during the day.	Total quantity delivered or otherwise removed during the day.	Closing stock at the end of the day.	Brief remarks with the date initials of the proprietor or authorised agent.
1	2	3	4	5	6	7	8	9
.....

FORM-VI

RETURN SHOWING THE RECEIPTS AND SALE OF CEMENT DURING THE FORTNIGHT TO BE SUBMITTED BY THE STOCKIST TO THE DIRECTOR OF INDUSTRIES/COLLECTOR OR OTHER OFFICER AUTHORISED.

1. Name and Full Address of stockist/Dealer.....

2. Exact location of Depot.....

(1) Village.....(2) Taluka.....(3) District.....(4) Road/Street.....

Fortnight ending with,	Category of cement.	Opening Balance/ Stock on hand at the commencement of the fortnight.	Quantity of cement purchased during the fortnight.	Total columns (3) and (4)	Sale during the fortnight.	Closing Balance as on last day of fortnight.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
.....

Note:—Column (3) The entry will be closing balance of the previous fortnight.

Signature of Stockist.....

Station:
Date: